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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION

Contemporary forms of slavery

Note by the Secretary-General

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Introduction

1. In paragraph 13 of its resolution 1996/61, entitled "Contemporary forms of slavery", the Commission on Human Rights requested the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization, as well as the International Criminal Police Organization and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission at its fifty-third session to decide upon possible follow-up in this matter.

2. Pursuant to this resolution, on 26 November 1996, letters were addressed to relevant United Nations agencies and non-governmental organizations requesting their contributions.

3. As of 19 February 1997, replies have been received from the United Nations Population Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, as well as from the International Catholic Child Bureau and Human Rights Watch.

4. The present report contains a summary of the substantive replies received.

I. INFORMATION RECEIVED FROM UNITED NATIONS AGENCIES

United Nations Educational, Scientific and Cultural Organization

5. The United Nations Educational, Scientific and Cultural Organization drew attention to its activities with respect to bioethics and the protection of human rights and especially to the work being carried out under the aegis of the International Bioethics Committee (IBC) established in 1993. In that regard, UNESCO submitted to the 93rd Conference of the Interparliamentary Union in 1995 a document on this specific subject. 1/ The second chapter of that document addresses the issue of organ and tissue transplantations.

World Health Organization

6. In its reply, the World Health Organization stated that the issues raised in Commission resolution 1996/61 were receiving careful attention from WHO. The matter has been brought to the attention of the internal WHO Working Group on Organ Transplantation, as well as to that of the members of the WHO Task Force on Organ Transplantation. The Task Force had held its first meeting at the Fondation Mérieux, Annecy, on 10 and 11 October 1996. A copy of the report of that meeting would be provided as soon as it was available for distribution. A preliminary version of the report had been presented at the thirty-fourth session of the WHO Advisory Committee on Health Research (ACHR), held in Geneva from 15 to 18 October 1996. ACHR had welcomed the document and recommended that it be presented to the Director-General for implementation and dissemination to the WHO regional offices. The matter of the reliability of allegations concerning the removal for commercial purposes of organs and tissues was touched upon at the Annecy meeting.

7. WHO also pointed out that one of the members of the Task Force, Professor A.S. Daar (Chairman of the Department of Surgery at the College of Medicine of Sultan Qaboos University in Muscat, Oman), had published widely on some of the issues raised by Commission resolution 1996/61. Professor Daar had drafted a chapter entitled "Paid organ donation - towards understanding the issues", to be included in Organ and Tissue Donation, edited by Chapman, Deirhoi and Wight and scheduled to be published in 1997 by Edward Arnold, London. 1/

8. WHO transmitted to the Secretary-General, for information, a copy of the recently issued "Medical-ethical guidelines for organ transplantations", issued by the Swiss Academy of Medical Sciences and published in the Schweizerische Medizinische Wochenshrift (1996, vol. 126, No. 47, pp. 2032-2035).

II. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

Human Rights Watch

9. Human Rights Watch submitted a report of Human Rights Watch/Asia, published in August 1994, entitled "Organ procurement and judicial execution in China", together with copies of articles from Reuters and various Indian news sources regarding the purported underground kidney transplant market in India. 1/

10. Human Rights Watch also referred to an unpublished paper entitled "The 'human' in human rights: Universalization versus globalization" that discusses transplant issues from a human rights perspective and explores the concepts of individual autonomy, the rights of a community over its members and freedom of contracts. The author examines the categorization of peoples as human and less-than-human and notes that such valuations have historically been used to justify the use of organs of criminals and the poor. Drawing on examples from India, the author speculates on the implications of allowing a market in organs to develop.

Note

1/ Available for consultation in the Secretariat.